



16711/QUARTERS
October 13, 1998

Mr. Leo T. Weyenberg
Horizon Offshore Contractors, Inc.
2500 City West Blvd., Suite 2200
Houston, TX 77042

Dear Mr. Weyenberg:

This is in response to your appeal of the Officer in Charge Marine Inspection (OCMI) Port Arthur's decision dated June 22, 1998 reducing the number of industrial personnel allowed on the industrial barge LONE STAR HORIZON (O.N. 285456) due to insufficient berthing. The OCMI's decision was based on 46 CFR 92.20-20(b) and (c) which require that berthing for officers and crew be sized such that no more than 4 persons are allowed per room and each room have 30 square feet per person accommodated. After carefully evaluating your arguments, and the applicable laws and regulations, I must deny your appeal; berthing for industrial personnel must be the same as that afforded crew members under 46 CFR 92.20-20(b) and (c).

Although I am sympathetic to your concern that there have been inconsistencies in the Coast Guard's enforcement of these berthing criteria in the past, I do not agree that we should continue the practice of providing cramped living conditions for industrial personnel working offshore for long periods. Your argument that you should be allowed 20 square feet per person, as would be allowed for offshore workers on Offshore Supply Vessels (OSVs), is not valid in this case since offshore workers on OSVs traditionally are only living aboard the vessels for short durations of 1 to 2 days rather than the 14 to 30 days typical for workers on offshore industrial barges. Forcing personnel to live in such small berthing areas for such long durations could lead to unsafe and unhygienic conditions.

In the past, inconsistencies in Coast Guard enforcement have arisen primarily due to the uncertainty of whether industrial personnel should be afforded the same standards of accommodations as those of the officers and crew. While the regulations in 46 CFR Subchapter I make no specific mention of accommodations for industrial personnel, the Coast Guard has gone on record that there should be no difference in accommodation spaces for a vessel's regular complement of industrial personnel and the required crew (e.g. Federal Register of December 4, 1978, preamble of the final rule for Mobile Offshore Drilling Units (MODUs), page 56791). The industrial personnel on industrial barges are employed and berthed in a manner and duration very similar to that encountered by the industrial personnel on MODUs; therefore the application of a MODU accommodation standard (46 CFR 108.201) would philosophically and logically be more appropriate than an OSV standard.

For your information, we have requested policy concurrence/clarification from Commandant in order to establish a nationally consistent policy for Coast Guard enforcement of accommodation size standards for industrial personnel.

October 13, 1998

If you feel aggrieved by this decision, you may appeal to the Commandant (G-MOC-2), United States Coast Guard, in accordance with 46 CFR 1.03-25. Any such appeal must be submitted via this office within 30 days of your receipt of this decision. It must identify the decision being appealed and the reason the decision should be overturned.

Please contact Lieutenant Commander Mike Brown of my staff at (504) 589-6743 should you have any questions or wish to discuss this matter further.

Sincerely,



GUY A. TETREAU

Commander, U.S. Coast Guard

Deputy Chief, Marine Safety Division

By direction of the Commander

Eighth Coast Guard District

Copy: Commandant (G-MOC-2), (G-MSE-4), (G-MSO-2)
Marine Safety Center (MSC-1, MSC-3)
All Eighth District MSOs, MSDs, MSU
First Coast Guard District (m)
Fifth Coast Guard District (m)
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